

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Michele Rausch

Respondent

Civil Citation No. 74724

14 Cornbury Court

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on May 19, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-310, 312; 35-5-302 (b)(1)(3), failure to replace missing gutter, downspout and flashing; failure to replace missing shingles on front of house, failure to remove debris from rear yard on residential property zoned DR. 10.5 known as 14 Cornbury Court, 21117.

On April 27, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Jeffrey Radcliffe issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$6,000.00 (six thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on March 22, 2010 for removal of trash and debris, and repair exterior structure, repair/replace missing gutter, downspout and flashing on rear; replace missing and loose shingles; remove rotted wood from front porch. This Citation was issued on April 27, 2010.

B. Photographs in the file show a single-family residence with brick and siding, and a hipped roof with asphalt shingles. Photographs show multiple shingles are missing or loose and hanging from the roof and, roof flashing is missing. Photographs show the rear downspout is broken and not attached to the house. Photographs show missing sections of rain gutters. Respondent is required by law to maintain the exterior of the house at least in conformance with county code standards, including keeping all exterior structures and surfaces "in good repair and in a structurally sound condition." BCC Section 35-5-302. The roof and gutters must be repaired.

C. Photographs also show junk, trash and debris in the rear yard. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

D. Because compliance is the goal of code enforcement, and because this property does not have a recent history of code violations, the civil penalty will be rescinded if the violation is corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by June 28, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 26th day of May 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

MZF/jaf